

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

MORRIS BUCKLES,

Petitioner,

vs.

FORT PECK ASSINIBOINE &
SIOUX TRIBES,

Respondents.

CV 15-79-GF-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Morris Buckles filed a petition seeking a writ of habeas corpus under 25 U.S.C. § 1301, et seq., the Indian Civil Rights Act on September 18, 2015. (Doc. 1.) United States Magistrate Judge John Johnston ordered Buckles to demonstrate the steps he had taken to exhaust his claims within the tribal court system on September 23, 2015. (Doc. 3.) Buckles timely responded.

Judge Johnston entered Findings and Recommendations in this matter on January 11, 2016. (Doc. 4.) Judge Johnston recommended that the Court dismiss Buckles's petition for failure to exhaust tribal remedies. Judge Johnston further recommended that the Court direct the Clerk of Court to enter a judgment of dismissal. Buckles filed no objections to Judge Johnston's Findings and Recommendations. The Court need not review *de novo* the proposed Findings and Recommendations when a party makes no objection. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Supreme Court has recognized a policy of promoting tribal self-government and discourages federal courts from assuming jurisdiction over unexhausted claims. *Selam v. Warm Springs Tribal Correctional Facility*, 134 F.3d 948 (9th Cir. 1998) (citing *Three Affiliated Tribes of Ft. Berthold Reservations v. Wold Engr.*, 476 U.S. 877, 888 (1986)). Buckles has failed to demonstrate that he has exhausted tribal remedies. The Court should "stay its hand" until the Tribal Court has had a full opportunity to exercise its jurisdiction over Buckles's claims. *State v. A-1 Contractors*, 520 U.S. 438, 449 (1997).

The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

Accordingly, **IT IS ORDERED** that:

1. Buckles's petition (Doc. 1) is DENIED for failure to exhaust tribal remedies.
2. The Clerk of Court should be directed to enter, by separate document, a judgment of dismissal.

DATED this 27th day of January, 2016.



Brian Morris
United States District Court Judge